

## State Child Support Enforcement (IV-D) Private Collection Agency (PCA) Policy

State IV-D Contact	Primary Cite	License or Bond Requirements	Fee Limitations	Contract Cancellation Limitations	Allow Payment Redirection	Current Support Limitations	Fee for State/Fed Collections	Prohibited Practices
Alabama  Clifford Smith <a href="mailto:clifford.smith@dhr.alabama.gov">clifford.smith@dhr.alabama.gov</a> (334) 501-7550	Alabama Child Support Policy and Procedures Manual, \$5.12, effective 2/1/2006				Yes, upon written request by the custodial party, Alabama will forward child support payments to the PCA mailing address.		Yes	
Alaska  Steve Rees <a href="mailto:steve.rees@alaska.gov">steve.rees@alaska.gov</a> (907) 269-6886	Alaska Collection Agency Statutes AS 08.24  <a href="#">AK Statutes and Regulations Collection Agencies</a>  <a href="#">AK Regulation of Collection Agencies</a>	License (\$08.24.090) and bond (\$§08.24.140, 08.24.150, 08.24.160, 08.24.170) required			Yes			\$45.50.471  <a href="#">Charitable Solicitations Act</a>
Arizona  Patricia Griffin <a href="mailto:PGriffin@azdes.gov">PGriffin@azdes.gov</a> (602) 771-8121					No			

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Arkansas  Mary E. Smith <a href="mailto:Mary.e.smith@ocse.arkansas.gov">Mary.e.smith@ocse.arkansas.gov</a> (501) 682-6828	Arkansas Code Annotated §17-24-101 - §17-24-403, effective 4/13/2009  <a href="#">AR Code</a>	License (§17-24-301) and bond (§17-24-306) required	§17-24-309 (a) No person, partnership, association, or corporation mentioned in § 17-24-301 shall charge as a collection charge or fee an amount in excess of fifty percent (50%) of the total amount actually collected on all accounts held by the person, partnership, association, or corporation for collection for any one (1) client, nor more than fifty percent (50%) of the total amount actually collected on any one (1) account, nor shall a minimum charge in excess of one dollar (\$1.00) be made on any partially or totally collected account.	§17-24-309 (b) All contracts providing for a greater collection charge or fee or a greater minimum charge than provided in this section entered into between any creditor in this state and any person, partnership, association, or corporation covered by this chapter shall be void. The creditor shall have, in addition to all other remedies now or hereafter provided by law, a cause of action to recover all amounts collected by the person, partnership, association, or corporation on the creditor's account or accounts.	No, §9-14-234(h) All current child support payments shall follow the child or children and shall be payable to the physical custodian as support for the child or children.  <a href="#">AR Family Law</a>			§17-24-307 Grounds for revocation, suspension, or refusal.

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<p>California</p> <p>Rick Bermudez  <a href="mailto:rick.bermudez@dcss.ca.gov">rick.bermudez@dcss.ca.gov</a>  (916) 464-1032</p>	<p>California Family Code, Division 9. Support, Part 5. Enforcement of Support Orders, Chapter 9. Private Child Support Collectors §5610-5616, effective 9/29/2006</p> <p><a href="#">CA Family Code</a></p>		<p>§5616(a) Every court order for child support issued on or after January 1, 2010, and every child support agreement providing for the payment of child support approved by a court on or after January 1, 2010, shall include a separate money judgment owed by the child support obligor to pay a fee not to exceed 33 and 1/3 percent of the total amount in arrears, and not to exceed 50 percent of the fee as charged by a private child support collector pursuant to a contract complying with the requirements of this chapter and any other child support collections costs expressly permitted by the child support order for the collection efforts undertaken by the private child support collector.</p>	<p>§5613. (a) An obligee shall have the right to cancel a contract with a private support collector under either of the following circumstances:</p> <p>(1) Within 15 business days of the later of signing the contract, or receiving a blank notice of cancellation form, or at any time if the private child support collector commits a material breach of any provision of the contract or a material violation of any provision of this chapter with respect to the obligee or the obligor.</p> <p>(2) At the end of any 12-month period in which the total amount collected by the private child support collector is less than 50 percent of the amount scheduled to be paid under a payment plan.</p> <p>(b) A contract shall automatically terminate when the contract term has expired or the contract amount has been collected, whichever occurs first.</p>	<p>Yes, §5614(a) A private child support collector shall do all of the following:</p> <p>(2) Establish a direct deposit account with the state disbursement unit and shall within two business days from the date the funds are disbursed from the state disbursement unit to the private child support collector, if a portion of the funds constitute an obligor's fee, notify the Department of Child Support Services of the portion of each collection that constitutes a fee. The notification shall be sent by the private child support collector to the department in an electronic format to be determined by the department.</p>	<p>§5614 (b) A private child support collector shall not do any of the following:</p> <p>(1) Charge fees on current support if the obligee received any current child support during the six months preceding execution of the contract with the private child support collector. A private child support collector shall inquire of the obligee and record the month and year of the last current support payment and may rely on information provided by the obligee in determining whether a fee may be charged on current support.</p>	<p>No, §5614(b) A private child support collector shall not do any of the following:</p> <p>(2) Improperly retain fees from collections that are primarily attributable to the actions of a governmental entity. The private child support collector shall refund all of those fees to the obligee immediately upon discovery or notice of the improper retention of fees.</p>	<p>§5614(b)</p>

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<p>Colorado</p> <p>Mike Erickson  <a href="mailto:Arnold.Erickson@state.co.us">Arnold.Erickson@state.co.us</a>  (303) 866-5178</p>	<p>Colorado Revised Statutes, Title 12 Professions and Occupations, Article 14 Colorado Fair Debt Collection Practices Act, Child Support Collection Consumer Protection Act, Related Laws, And Rules, effective 7/1/2006</p> <p><a href="#">CO Collection Act &amp; Related Rules</a></p>	<p>License (§12-14-118) and bond (§12-14-124) required</p>	<p>§12-14.1-105 Fees.</p> <p>(2) A collector's contract with an obligee shall be for a specific dollar amount of child support to be collected. The contract shall explain in easy-to-understand language how the amount is to be calculated and may include any statutory interest to which the obligee is entitled and other amounts ordered by the court.</p> <p>(3) A collector may charge a contingency fee for the collection of child support that is based on a percentage of the total child support collected.</p> <p>(4) The maximum fee that may be charged by a collector as specified in subsection (3) of this section shall not exceed thirty-five percent of any amount collected.</p> <p>(5) No other fees, charges, or costs may be assessed against the obligee, including an application fee.</p>	<p>§12-14.1-109 Cancellation or termination of private child support enforcement service contract.</p> <p>(1) Obligor may cancel PCA contract at any time within 30 days of signing the contract or after any 12 consecutive months in which the collector fails to make a collection...</p> <p>(3) An obligor shall have no obligation pursuant to PCA contract if: (a) The obligor cancels the contract: (I) W/in 30 business days after signing the contract; or (II) After any 12 consecutive months in which the PCA fails to make a collection; or (b) The collector violates this article with respect to the contract.</p> <p>(4) A contract shall terminate w/o action by either party when the contract amount has been collected.</p>	<p>Only on direct deposits.</p> <p>On the Application/Authorization for Direct Deposit, custodial parties can designate any financial institution for electronic distribution of child support payments.</p>	<p>§12-14.1-104 Prohibited practices.</p> <p>(1) A collector may not engage in any fraudulent, unfair, deceptive, or misleading act or practice in soliciting an obligor to enter into a contract for the provision of child support enforcement services or in offering or performing a service pursuant to such a contract, including but not limited to the following:</p> <p>(b) Designating a current child support payment as arrears, interest, or other amount owed;</p>	<p>No, §12-14.1-104 Prohibited practices. (1)(a) Imposing a fee or charge, including costs, for any payment collected through the efforts of or as a result of actions taken by a federal, state, or county agency, including but not limited to support collected from federal or state income tax refunds, unemployment benefits, or social security benefits. If the collector discovers, or is notified by the obligor or the federal, state, or county agency, that a payment was collected through the efforts of a federal, state, or county agency, the collector shall not assess fees on the payment. Any fees improperly retained shall be refunded to the obligor within seven business days.</p>	<p>§12-14-106 Harassment or abuse.</p>

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Connecticut  John Dillon <a href="mailto:john.dillon@ct.gov">john.dillon@ct.gov</a> (860) 424-5271	Connecticut Title 36a, Chapters 664 to 669, Secs. 36a-1 to 36a-810, effective 06/20/2001  <a href="#">The Banking Law of CT</a>	License (§36a-801) and bond (§36a-802) required	§36a-805 Prohibited practices. Exception. (a) No consumer collection agency shall: (13) add any charge or fee to the amount of any claim which it receives for collection or knowingly accept for collection any claim to which any charge or fee has already been added to the amount of the claim unless the consumer debtor is legally liable therefor, in which case, the collection charge or fee may not be in excess of fifteen per cent of the amount actually collected on the debt; (b) If the imposition of a charge or fee is permitted under section 36a-801b, no consumer collection agency shall impose a charge or fee for the collection of any child support overdue at the time of the contract in excess of twenty-five per cent of overdue support actually collected.		No		No, §36a-805(b) No consumer collection agency shall impose a charge or fee for any child support payments collected through the efforts of a governmental agency.	§36a-648
Delaware  Kim Ritter <a href="mailto:kim.ritter@state.de.us">kim.ritter@state.de.us</a> (302) 395-6526	Delaware Department of Child Support Enforcement (DCSE) Policy Directive 04-04, effective 8/16/2004				No, DCSE will not change addresses of custodial parties to that of any PCA.			

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District of Columbia  Tanya M. Jones Bosler <a href="mailto:Tanya.Jones@dc.gov">Tanya.Jones@dc.gov</a> (202) 724-1466					No		No	
Florida  Ann Coffin <a href="mailto:CoffinA@dor.state.fl.us">CoffinA@dor.state.fl.us</a> (850) 414-0047					Yes			
Georgia  Keith Horton <a href="mailto:kvhorton@dhr.ga.gov">kvhorton@dhr.ga.gov</a> (404) 657-2347	Georgia Title 10 Commerce and Trade, Chapter 1 Selling and Other Trade Practices, Article 15 Deceptive and Unfair Practices, Part 2 Fair Business Practices Act, §10-1-393.9 & §10-1-393.10, effective 7/1/2009  <a href="#">GA Code</a>	License (§10-1-393.9. (a)) and bond (§10-1-393.9. (b) and 10-1-393.9. (c)) required	§10-1-393.10. (c) A private child support collector shall not: (2) Charge fees in excess of one-third of the total amount of child support payments collected; (11) Contract with an obligee for a sum certain to be collected which is greater than the total sum of arrearages and the statutory interest owed as of the date of execution of the contract.	§10-1-393.10. (d) In addition to any other cancellation or termination provisions provided in the contract between a private child support collector and an obligee, the contract shall be cancelled or terminate if: (1) The obligee requests cancellation in writing within 30 days of signing the contract; (2) The obligee requests cancellation in writing after any 12 consecutive months in which the private child support collector fails to make a collection; (3) The private child support collector breaches any term of the contract or violates any provision contained within this Code section; or (4) The amount to be collected pursuant to the contract has been collected.	Yes, §10-1-393.10. (f) Upon the request of an obligee, the Child Support Enforcement Agency of the department shall forward child support payments made payable to the obligee to any private child support collector that is in compliance with the provisions of this Code section and Code Section 10-1-393.9.	§10-1-393.10. (b) The contract shall include: (4) A statement that fees shall only be charged for collecting past due child support, although the contract may include provisions to collect current and past due child support;	No, §10-1-393.10. (c) A private child support collector shall not: (1) Improperly retain fees from collections that are primarily attributable to the actions of the department. If the department or an obligee notifies a private child support collector of such improper fee retention, such private child support collector shall refund such fees to the obligee within seven business days of the notification of the improper retention of fees and shall not be liable for such improper fee retention. A private child support collector may require documentation that the collection was primarily attributable to the actions of the department prior to issuing any refund;	§10-1-393.10. (c)

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Guam								
Hawaii  Lawrence A. Sousie <a href="mailto:Lawrence.A.Sousie@hawaii.gov">Lawrence.A.Sousie@hawaii.gov</a> (808) 586-5439	Hawaii HRS §443B Collection Agencies, HRS §436B Uniform Professional and Vocational Licensing, HAR Chapter 112 – Collection Agencies  <a href="#">HI Collection Agency Statute/Rule</a>	License (§§443B-3, 443B-3.5) and bond (§443B-5) required	HRS §443B-9(a) A collection agency shall not collect, or attempt to collect, any collection fee or attorney's fee or commission from any debtor; provided that an attorney's fee or commission may be collected after filing of a suit against any debtor and the fee or commission shall not be in excess of twenty-five per cent of the unpaid principal balance.		No	HRS §576D All child support payments collected must be processed through the CSEA. All collection agencies must operate in compliance with State law cited herein.  <a href="#">Chapter 576D Child Support Enforcement</a>		HRS §443B
Idaho  Tom Serich <a href="mailto:Sericht@dhw.idaho.gov">Sericht@dhw.idaho.gov</a> (208) 334-6545	Idaho Title 26 Banks and Banking, Chapter 22 Collection Agencies  <a href="#">ID Statutes</a>	License (§26-2223) and bond (§26-2232) required	\$26-2229, §26-2229A. (2) It shall be a violation of this act for any collection agency contract to: (c) Require the payment of any fee, commission or compensation in excess of fifty percent (50%) of the amount actually collected on any account, bill, claim or other indebtedness entrusted to the collection agency for collection.	All contracts used by PCAs must utilize forms that have been approved by the ID Director of Finance.	Yes, as documented in ID internal policy.		No, as documented in ID internal policy.	\$26-2229A

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<p>Illinois</p> <p>Pam Lowry  <a href="mailto:Pamela.lowry@illinois.gov">Pamela.lowry@illinois.gov</a>            (217) 782-1820</p>	<p>Illinois Professions and Occupations, Collection Agency Act §225 ILCS 425, effective 12/31/2005</p> <p><a href="#">IL Collection Agency Act</a></p>	<p>License, unless registered in another state (§225 ILCS 425/4) and bond (§225 ILCS 425/8) required</p>	<p>§225 ILCS 425/2.04 (a-10) The Department of Professional Regulation shall determine a fee rate of not less than 25% but not greater than 35%, based upon presentation by the license as to costs to provide the service and a fair rate of return. This rate shall be established by administrative rule. Without prejudice to the determination by the Department of the appropriate rate through administrative rule, a collection agency shall impose a fee of not more than 29% of the amount of child support actually collected by the collection agency subject to the provisions of subsection (a-5). This interim rate is based upon the March 2002 General Account Office report "Child Support Enforcement", GAO-02-349. This rate shall apply until a fee rate is established by administrative rule.</p> <p>(a-5)...After collection of the total amount or arrearage, including statutory interest, due as of the date of execution of the collection contract, no further fees may be charged.</p>		<p>No</p>	<p>§225 ILCS 425/2.04 Child support indebtedness.</p> <p>(a-5)...No collection agency that collects child support payments shall (i) impose a charge or fee, including costs, for collection of a current child support payment, (ii) fail to apply collections to current support as specified in the order for support before applying collection to arrears or other amounts, or (iii) designate a current child support payment as arrears or other amount owed. In all circumstances, the collection agency shall turn over to the obligee all support collected in a month up to the amount of current support required to be paid for that month. As to any fees or charges, including costs, retained by the collection agency, that agency shall provide documentation to the obligee demonstrating that the child support payments resulted from the actions of the agency.</p>	<p>No, §225 ILCS 425/2.04 (a-5) A collection agency may not impose a fee or charge, including costs, for any child support payments collected through the efforts of a federal, State, or local government agency, including but not limited to child support collected from federal or State tax refunds, unemployment benefits, or Social Security benefits.</p>	<p>§225 ILCS 425/9 (a)</p>

Federal Office of Child Support Enforcement  
 Blanks denote no formal policy at this time.



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Indiana  Peggy Boggs <a href="mailto:Peggy.Boggs@dcs.in.gov">Peggy.Boggs@dcs.in.gov</a> (317) 232-3450		License and bond (IC §25-11-1-3) required  <a href="#">IN Code Collection Agencies</a>			Yes		No	
Iowa								
Kansas  (Michael) David Addington <a href="mailto:Michael.Addington@srs.ks.gov">Michael.Addington@srs.ks.gov</a> (785) 296-1955	Kansas Rules of Professional Conduct (Supreme Court Rule 226).  <a href="#">KS Rules of Professional Conduct</a>	License is required for any activity that falls within the definition of "practice of law," as defined by the KS Supreme Court – and nearly every collection technique available to a PCA does constitute practice of law	General provisions of the KS Consumer Protection Act may apply (K.S.A. 50-623 et seq.), except to the extent that activities are under the jurisdiction of the Kansas Supreme Court.  <a href="#">KS Statutes</a>  Attorney fees must comply with all requirements of the KS Rules of Professional Conduct (Supreme Court Rule 226).		No, in IV-D cases. In a non-IV-D case, a written request signed by the obligee of the order may be mailed to the clerk of the district court where the KS support order was entered. If ownership rights are unclear or are disputed, the court may require notice and hearing before allowing non-IV-D payments to be redirected.		In IV-D cases, all collections are disbursed to the obligee, who is responsible for paying his/her PCA directly. In non-IV-D cases, if the activity falls within the definition of "practice of law," the PCA must comply with limitations in the KS Rules of Professional Conduct (Supreme Court Rule 226) and case law – the general rule is that contingent fees cannot be extracted from child support or alimony collections.	KS Rules of Professional Conduct (Supreme Court Rule 226)  KS Consumer Protection Act (K.S.A. 50-623 et seq.)  <a href="#">KS Statutes</a>
Kentucky  Mary Sparrow <a href="mailto:mary.sparrow@ky.gov">mary.sparrow@ky.gov</a> (502) 564-2285, ext 4428	CS-151 Form, Authorization to Use Private Collection Agency's Address				Yes, directs all support payments and correspondence for all cases to the PCA.		Yes	
Louisiana  Robbie Endris <a href="mailto:robbie.endris@la.gov">robbie.endris@la.gov</a> (225) 342-1312					No			§46:236.1.2.K  <a href="#">LA Public Welfare and Assistance Statute</a>

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<p>Maine</p> <p>Kevin Wells  <a href="mailto:kevin.wells@maine.gov">kevin.wells@maine.gov</a>  (207) 287-5095</p>	<p>Maine Title 19-A: Domestic Relations, Part 3: Parents And Children, Chapter 65: Support Enforcement, Subchapter 1: General Provisions, §2109, effective 11/22/2003</p> <p><a href="#">ME Code</a></p>	<p>License (<a href="#">Title 32, Chapter 109-A, Subchapter 3, §11031 ME Fair Debt Collection Practices Act</a>) and bond (<a href="#">§11032 ME Fair Debt Collection Practices Act</a>) required</p>	<p>§2109. 1. Fee limitation. In a contingent-fee contract for the collection of child support, the fee may be based only upon the amount of unpaid past child support arrearage calculated as of the date when the contract is signed. A fee may not be based on current or future child support payments and may be assessed only on funds actually received by the child support obligee.</p>	<p>§2109 3. Requirement for written contract...The contract may not contain a penalty for termination at any time by the support obligee.</p>	No		No, §2109 4. Basis of compensation. A collector of child support obligations may not impose a charge or fee for any child support payments collected primarily through the efforts of a governmental agency.	<p><a href="#">Title 32, Chapter 109-A, Subchapter 2, §11013</a></p>
<p>Maryland</p> <p>Randy Childs  <a href="mailto:kchilds@dhr.state.md.us">kchilds@dhr.state.md.us</a>  (410) 767-7311</p>	TBD				No, Maryland is changing policy at this time such that no redirections to PCAs will occur in the future. Existing redirections will be stopped and collections will be disbursed to the intended recipient listed in the court order or to the state in accordance with regulations.			
<p>Massachusetts</p> <p>Amy Clayman  <a href="mailto:claymana@dor.state.ma.us">claymana@dor.state.ma.us</a>  (617) 626-4239</p>					No			

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Michigan  Michael C. Adrian <a href="mailto:AdrianM@michigan.gov">AdrianM@michigan.gov</a> (517) 241-5749	Michigan State Court Administrative Office (SCAO) Administrative Memorandum 2001-08 Guidelines for Procedures Regarding Payee Retention of Private Collection Agencies on Friend of the Court Cases  <a href="#">MI SCAO Administrative Memorandum</a>	License ( <a href="#">MI Compiled Law §339.904</a> ) and bond ( <a href="#">MI Compiled Law §339.907</a> ) required			Yes, location of where payments are sent is based on the custodial party's written instructions.		Yes, if custodial party agrees.	<a href="#">MI Compiled Law §339.915</a>  <a href="#">MI Compiled Law §339.915a</a>
Minnesota  Shari Anderson <a href="mailto:Shari.Anderson@state.mn.us">Shari.Anderson@state.mn.us</a> (651) 431-4430		License ( <a href="#">MN Statutes §332.33</a> ) and bond ( <a href="#">MN Statutes §332.34</a> ) required						<a href="#">MN Statutes §332.56</a>
Mississippi  Walley Naylor <a href="mailto:wnaylor@mdhs.state.ms.us">wnaylor@mdhs.state.ms.us</a> (601) 359-4861					Yes		No	
Missouri  Nancy Crocker <a href="mailto:Nancy.J.Crocker@dss.mo.gov">Nancy.J.Crocker@dss.mo.gov</a> (573) 526-5356					Yes, IV-D agency policy requires the custodial party to request in writing that the SDU disburse payments in his/her name to the PCA. That arrangement continues until the custodial party requests otherwise.			Chapter 407, Revised Statutes of Missouri  <a href="#">MO Merchandising Practices</a>

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Montana  Ann Hefenieder <a href="mailto:ahefenieder@mt.gov">ahefenieder@mt.gov</a> (406) 655-5507		Local business licenses may be required						
Nebraska  Byron Van Patten <a href="mailto:byron.vanpatten@nebraska.gov">byron.vanpatten@nebraska.gov</a> (402) 471-7312					Yes			
Nevada  David Castagnola <a href="mailto:dcastagnola@dwss.nv.gov">dcastagnola@dwss.nv.gov</a> (775) 684-0694	Nevada Revised Statutes (NRS) Chapter 649  <a href="#">NV Statutes</a>  Nevada Child Support Enforcement Program (CSEP) Support Enforcement Manual (SEM) 711 and 712  <a href="#">SEM 700 - Collection and Distribution</a>	License (\$649.075, \$649.171) and bond (\$649.105, \$649.115, \$649.119) required		\$649.3345 Unless a written agreement between the parties otherwise provides, a customer may withdraw, without obligation, any claim assigned to a collection agency at any time 6 months after the date of the assignment subject to conditions specified in statute.	Yes, SEM 711 a custodial party may authorize CSEP to issue payments to an alternate payee.			\$649.370, \$649.375
New Hampshire  Annette Harney <a href="#">NH Email Inquiry</a> (603) 271-4427					Yes		Yes	Unfair, Deceptive or Unreasonable Collection Practices  <a href="#">NH RSA 358-C</a>
New Jersey  Child Support Services Hotline 1 (877) NJKIDS1		Bond Required  <a href="#">NJ License &amp; Certification Guide</a>						

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<p>New Mexico</p> <p>Laura L. Galindo  <a href="mailto:Laura.galindo@state.nm.us">Laura.galindo@state.nm.us</a>            (505 )476-7203</p>	<p>New Mexico 2009 NMSA 1978, Statutory Chapters, §61-18A-1 et seq—Collection Agency Regulatory Act</p> <p><a href="#">NM Collection Agency Regulatory Act</a></p>	<p>License ( §61-18A-5) and bond ( §61-18A-15) required</p>	<p>§61-18A-28.1 A. Unless the agreement between the debtor and the creditor or the agreement between the collection agency and the creditor otherwise expressly prohibits, a collection agency may collect from the debtor an amount equal to the gross receipts tax and the local option gross receipts taxes, as those terms are defined in the Gross Receipts and Compensating Tax Act [7-9-1 NMSA 1978], imposed on the receipts of the collection agency that result from the collection of a debt from the debtor. (There is no expressed fee limitation; however, this is one example of a fee agreement.)</p>		<p>No, § 8.50.125.11 I. No collections of funds will be sent to third parties, attorneys, or agents, except in cases where there is a court order directing the support payment(s) to a person or entity other than the custodial party.</p> <p><a href="#">NM Administrative Code</a></p>	<p>§ 8.50.125.11 I. No collections of funds will be sent to third parties, attorneys, or agents, except in cases where there is a court order directing the support payment(s) to a person or entity other than the custodial party.</p>	No	<p>§57-12</p> <p><a href="#">NM Unfair Trade Practices Act</a></p>

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State IV-D Contact	Primary Cite	License or Bond Requirements	Fee Limitations	Contract Cancellation Limitations	Allow Payment Redirection	Current Support Limitations	Fee for State/Fed Collections	Prohibited Practices
<p>New York (only applies to New York City)</p> <p>Customer Service Helpline 1 (800) 208-4485</p>	<p>New York City Code, Title 20 Consumer Affairs, Chapter 2 Licenses, Subchapter 30: Debt Collection Agencies §20–494.1, effective 11/26/2003</p> <p><a href="#">NYC Code</a></p>	<p>License (§20–490) and bond (§20–494.1g) required</p>	<p>§20–494.1 c. No debt collection agency that collects child support payments shall:</p> <p>1. charge interest or otherwise impose a charge or fee for its services that exceeds fifteen percent of each child support payment collected.</p> <p>4. impose a charge or fee for the costs of an application.</p>	<p>§ 20–494.1</p> <p>b. Any agreement or contract for the collection of child support payments shall be in writing and shall not extend beyond twelve consecutive months. Renewal of such contracts shall not be automatic and shall require the consent in writing of all parties to the contract.</p> <p>c. No debt collection agency that collects child support payments shall:</p> <p>6. impose a charge or fee for the termination of a contract for the collection of child support.</p> <p>9. prohibit the termination of a contract for the collection of child support payments until arrears are paid.</p> <p>d. An agreement for the collection of child support shall terminate automatically if no payment of child support has been collected by such debt collection agency for a period of six consecutive months.</p>		<p>§20–494.1</p> <p>c. No debt collection agency that collects child support payments shall:</p> <p>3. charge interest or otherwise impose a charge or fee for a current payment of child support.</p> <p>8. designate a current payment of child support as arrears.</p>	<p>No, §20–494.1 c. No debt collection agency that collects child support payments shall:</p> <p>2. charge interest or otherwise impose a charge or fee with respect to child support payments collected primarily through the efforts of a governmental entity.</p>	

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North Carolina  Sandra Chestnut <a href="mailto:Sandra.Chestnut@dhhs.nc.gov">Sandra.Chestnut@dhhs.nc.gov</a> (919) 255-3892	North Carolina Child Support Enforcement (CSE) Policy Manual  <a href="#">NC Child Support Enforcement Policy Manual</a>				No, North Carolina CSE policy does not allow the PCA to dictate actions in the case, including the redirection of the client's support payments. If the local CSE agency receives such a request, the client must be informed that the agency will not redirect the support.		No	
North Dakota  Mike Schwindt <a href="mailto:mschwindt@nd.gov">mschwindt@nd.gov</a> (701) 328-3582	North Dakota Century Code Title 13 Debtor and Creditor Relationship, Chapter 13-05 Collection Agencies, effective 4/20/2005  <a href="#">ND Code</a>	License (§§13-05-02, 13-05-02.2) and bond (§13-05-04) required		§13-05-02.2. 5. Any person contracting for services with a collection agency for the collection of child support may cancel the contract without a fee or charge upon thirty days' written notice.	No, §13-05-02.2. 3. If the child support debt arises under an order issued by a court of this state, or if a record of the child support debt is being maintained on the statewide automated data processing system under section 50-09-02.1, all child support payments collected by a collection agency must be paid to the department of human services within five business days for disbursement under section 14-09-25. Child support payments disbursed under section 14-09-25 may not be redirected to a collection agency unless specifically permitted by rules adopted by the department of human services.	§13-05-02.2. 2. A collection agency licensed under this section may not: b. Impose a fee or charge for collection of a current child support payment; or c. Designate a current child support payment as past-due support or other amount owed.	No, §13-05-02.2 2. A collection agency licensed under this section may not: a. Impose a fee or charge for any child support collected primarily through the efforts of a governmental agency;	<a href="#">ND Administrative. Code Chapter 13-04-02 Collection Agencies</a>
Ohio								

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Oklahoma  Amy Wilson <a href="mailto:amy.wilson@okdhs.org">amy.wilson@okdhs.org</a> (918) 439-2405	Oklahoma Statutes Title 43. Marriage §118.4  <a href="#">OK Statute</a>		§118.4 B. Child support may be assigned to an attorney for the purpose of providing legal representation in child support proceedings. The assignment shall be consistent with the Oklahoma Rules of Professional Conduct and shall not exceed fifty percent (50%) of the net amount of the child support collected and remitted to the obligee.		No, §118.4 A. Child support or any claim thereto shall not be directly or indirectly assigned, except as provided in subsection B of this section and in subsection C of Section 237 of Title 56 of the Oklahoma Statutes. Any assignment of child support to the Department of Human Services shall have first priority over any prior or subsequent assignment.	Under Oklahoma's Rules of Professional Conduct, contingent fees are prohibited in domestic cases. The only exception is for legal representation in connection with recovery of <i>post-judgment</i> balances for support. OCSS interprets Title 5 §1.5 to limit the available assignment of child support to past-due support only.  <a href="#">Oklahoma Rules of Professional Conduct</a>	No	
Oregon  Bob David <a href="mailto:bob.david@doj.state.or.us">bob.david@doj.state.or.us</a> (503) 986-6085	Oregon Chapter 25 - Support Enforcement §ORS 25.020  <a href="#">OR Support Enforcement Law</a>	License (§ORS 697.015) and bond (§ORS 697.031) required  <a href="#">OR Collection Agencies Law</a>	§ORS 25.020 (3)(d)(B) May not charge interest or a fee for its services exceeding 29 percent of each support payment received unless the collection agency, if allowed by the terms of the agreement between the collection agency and the obligee, hires an attorney to perform legal services on behalf of the obligee.		Yes, §OAR 137-055-6025 Distribution of Support Payments to Private Collection Agencies (2) When the Oregon Child Support Program (CSP) is notified by a collection agency or an obligee that the obligee has entered into an agreement with a collection agency, the administrator will send to the obligee an authorization form developed pursuant to section (7) of this rule.  <a href="#">Oregon Administrative Rules</a>		No	§OAR 441-810-0230 Harassment or Abuse, §OAR 441-810-0240 False or Misleading Representations  <a href="#">§OAR 441-810</a>



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Pennsylvania  Thomas Sheaffer <a href="mailto:thsheaffer@state.pa.us">thsheaffer@state.pa.us</a> (717) 783-7792					Yes		Yes	
Puerto Rico  Waddy Mercado Maldonado <a href="mailto:wmercado@asume.gobierno.pr">wmercado@asume.gobierno.pr</a> (787) 767-1500 x2801					No			
Rhode Island  Sharon Santilli <a href="mailto:ssantilli@cse.state.ri.us">ssantilli@cse.state.ri.us</a> (401) 458-4404	Rhode Island Title 19 Financial Institutions, Chapter 19-4.9, Rhode Island Fair Debt Collection Practices Act, §19- 14.9-12  <a href="#">RI Statute</a>	Registration with the RI Director of Business Regulation required			IV-D agency advises against payment redirection; however, agency has process requiring custodial party to sign form containing all rights, responsibilities and waiver. Subsequent changes must be requested in writing.			Remedies and penalties  <a href="#">§19-14.9-13</a>

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South Carolina  Larry McKeown <a href="mailto:Larry.McKeown@dss.sc.gov">Larry.McKeown@dss.sc.gov</a> (803) 898-9337	South Carolina Code of Laws, Title 63 - Children's Code, §63-3-530  <a href="#">SC Code Family Court</a>				<p>No, §63-3-30 (A) The family court has exclusive jurisdiction: (21) to determine the manner in which sums ordered paid for support shall be paid and applied, either to a person through the court, through the clerk of court, or through a centralized wage withholding system if required by federal statute or regulation.</p> <p>§§63-17-1410 - 1600 et seq. require that all wage withholding in SC cases may only be initiated through the Clerk of Court and not by direct notification by the PCA to the employer.</p> <p><a href="#">SC Code Paternity and Child Support</a></p>			

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South Dakota  Terry Walters <a href="mailto:Terry.Walter@state.sd.us">Terry.Walter@state.sd.us</a> (605) 773-3641					No, §67:18:01:65. Certain distributions limited to parent, legal guardian, or caretaker relative. When distributing collections to a family under this chapter, distribution is limited to the parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children on whose behalf the collection was made.  <a href="#">SD Administrative Rules</a>			
Tennessee  Charles Bryson <a href="mailto:Charles.Bryson@tn.gov">Charles.Bryson@tn.gov</a> (615) 313-5126  Bill Duffey <a href="mailto:Bill.Duffey@tn.gov">Bill.Duffey@tn.gov</a> (615) 313-4880								
Texas  Kathy Shafer <a href="mailto:Kathy.Shafer@cs.oag.state.tx.us">Kathy.Shafer@cs.oag.state.tx.us</a> (512) 460-6134	Texas Finance Code, Title 5 Protection of Consumers Financial Services, Chapter 396 Private Child Support Enforcement Agencies, effective 9/1/2001  <a href="#">TX Financial Code</a>	License (\$396.101) and bond (\$396.105) required			Yes, if custodial party authorizes payments be sent to the PCA.		Yes	§396.251. Threats or Coercion. §396.252. Fraudulent, Deceptive, or Misleading Representations. §396.304 Administrative Investigation of Complaint.

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Utah  Tracy Graham <a href="mailto:tracygraham@utah.gov">tracygraham@utah.gov</a> (801) 536-8911	Utah Code UCA 12-1-1  <a href="#">UT Code</a>  Utah Child Support Services (CSS) Policy: CS 070P- Private Agents in Non IV-A Cases  <a href="#">Utah CSS Policy</a>	License (§UCA 12-1-1) and bond (§UCA 12-1-1 and §12-1-2) required			CSS is unable to honor a "Change of Payee" request. CSS will change the address of a custodial party (CP) to that of a private agent or attorney if authorized in writing by the CP, and if there are no other cases involving other program areas that will make the address change problematic.			
Vermont  Christine Cassel <a href="mailto:christine.cassel@ahs.state.vt.us">christine.cassel@ahs.state.vt.us</a> (802) 241-3357  Robin Arnell <a href="mailto:robin.arnell@ahs.state.vt.us">robin.arnell@ahs.state.vt.us</a> (802) 241-2319					Yes, VT policy permits redirection of payments following written authorization from the custodial party.		Yes	9 V.S.A. §§2451 - 2462  <a href="#">VT Statutes</a>
Virgin Islands  Regina Dechabert Petersen <a href="mailto:rdechabert@pcsd.gov.vi">rdechabert@pcsd.gov.vi</a> (340) 775-3070 x5000	Virgin Islands Code, Title 16, Chapter 13, Subchapter 1, §350  <a href="#">VI Code</a>				No, §350. Transfer of right; set-off (a) The right to receive support can not be relinquished or transmitted to a third party.			

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<p>Virginia</p> <p>Craig Burshem  <a href="mailto:Craig.burshem@dss.virginia.gov">Craig.burshem@dss.virginia.gov</a>            (804) 786-4362</p>				<p>PCA contracts violate Virginia law and are unenforceable as a matter of law. Virginia case law holds that child support payments are owed to the child (<i>Comm. ex rel. Gray v. Johnson</i>, 7 Va. App. 614 (1989)) and custodial parents may not assign or otherwise bargain away any of the support rights of their children (<i>Kelley v. Kelley</i>, 248 Va. 295 (1994)). PCA contracts deprive the child of court- or administratively-ordered child support and result in a retroactive modification which is prohibited under Va. Code Ann. §20-74 and the Bradley Amendment 42 U.S.C. §666(a)(9)(c).</p>	No			<p>§59.1-200. Prohibited practices.</p> <p><a href="#">VA Consumer Protection Act</a></p>
<p>Washington</p> <p>Brice Montgomery  <a href="mailto:bmontgom@dshs.wa.gov">bmontgom@dshs.wa.gov</a>            (360) 664-5442</p>	<p>Washington Revised Code of Washington (RCW) Chapter 19.16 Collection Agencies</p> <p><a href="#">Revised Code of WA</a></p> <p>Washington Administrative Code (WAC) Chapter 308-29</p> <p><a href="#">WA Administrative Code</a></p>	<p>License (§RCW 19.16.110) and bond (§RCW 19.16.190) required</p>			Yes, however policy is under review.			<p>Chapter 19.86 RCW</p> <p><a href="#">Unfair Business Practices</a></p>

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West Virginia  Heidi L. Talmage <a href="mailto:Heidi.L.Talmage@wv.gov">Heidi.L.Talmage@wv.gov</a> (304) 558-3780	West Virginia Code §48-1-307, effective 4/14/2001  <a href="#">WV Code</a>	License ( §47-16-4(a)) and bond ( §47-16-4(b)) required  <a href="#">WV Collection Agency Code</a>	§48-1-307 (j) No collection agency may use unfair or unconscionable means to collect or attempt to collect any claim, including, but not limited to: (1) The collection of or the attempt to collect any interest in excess of that interest authorized by the provisions of this chapter, or other charge, fee or expense incidental to the principal obligation that exceeds ten percent of the principal amount from an obligor or obligee.	§48-1-307 (o) Any resident of this state who contracts for services with a collection agency to collect current or past-due child support or spousal support may, upon thirty days' written notice, cancel the contract for collection. The notice must be mailed to the collection agency by first-class mail. All contracts signed by residents of this state must include written notification of this right of cancellation.	No §48-1-307 (c) No child or spousal support or arrearage of child or spousal support collected by the state IV-D agency may be redirected to any collection agency.		§48-1-307 (d) No collection agency attempting to collect a child or spousal support obligation or arrearage on behalf of a resident or from a resident of this state may include any funds collected by a IV-D agency in the amount from which their fee is determined or collected. (m) No collection agency may attempt to collect any portion of a fee from any money collected by any other entity or authority. The collection agency may only collect a fee from funds procured solely through its collection activities.	§48-1-307
Wisconsin  Carol Chellew <a href="mailto:Carol.Chellew@wisconsin.gov">Carol.Chellew@wisconsin.gov</a> (608) 266-2316		License (§218.04(3)) and bond (§218.04(3)(d)) required  <a href="#">WI Collection Agencies Statute</a>			Yes			

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Wyoming  Brenda Lyttle <a href="mailto:blyttl@state.wy.us">blyttl@state.wy.us</a> (307) 777-6948		License (§33-11-101) and bond (§33-2-101) required  <a href="#">WY Professions and Occupations Statute</a>			Yes			WY Consumer Protection Act §40-12-101 through § 40-12-114  <a href="#">WY Consumer Protection Act</a>